

**December 21, 1998**

**DURHAM, NORTH CAROLINA  
MONDAY, DECEMBER 21, 1998  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Bob Novak, a citizen, requested that Consent Item 14 be pulled.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: PROPOSED DIAMOND VIEW AND DURHAM BULLS BASEBALL CLUB LEASE AMENDMENTS AND DIAMOND VIEW ESTOPPEL CERTIFICATES**

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute lease amendments to:
  - 1) the existing lease between the City of Durham and the Durham Bulls Baseball Club, Inc. to reflect changes made to the ballpark as part of the Downtown Development Agreement and changes to the Bulls with the upgrade to Triple AAA, and to extend the term of the lease to March 15, 2019; and
  - 2) the existing leases between the City of Durham and Diamond

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View I, LLC on the former Jackie Robinson Place parking lot and the South parking lot to extend the terms of the leases approximately one year was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Cross-Easement Agreement between the City of Durham and Diamond View I, LLC to allow cross access to the various utilities and equipment located on each other's property; and
- c. To authorize the City Manager to execute Estoppel Certificates for the former Jackie Robinson Place Parking Lot Lease and the South Parking Lot Lease certifying that Diamond View I, LLC is not in default of either of the leases; and
- d. To authorize the City Manager, in consultation with the City Attorney, to make minor changes to these documents that do not affect the general intent of these documents and that are consistent with the above motions was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: DURHAM FIRE TRAINING ACADEMY STORAGE BUILDING LOCATED AT 2008 E. CLUB BOULEVARD - MIXON CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a single prime contract with Mixon Construction Company, in the amount of \$312,467.00, with a contingency amount of \$40,000.00, for a total of \$352,467.00 for the construction of the Durham Fire Training Academy storage building to be located at 2008 E. Club Boulevard was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: HISPANIC OUTREACH INTERVENTION STRATEGY TEAM (HOIST) GRANT - REVISED PROJECT ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller

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to adopt a Revised City of Durham and North Carolina Department of Crime Control and Public Safety/Governor's Crime Commission "Hispanic Outreach Intervention Strategy Team" Grant Project Ordinance to adjust the award and in-kind amounts was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11610**

**SUBJECT: FINAL DOCUMENT APPROVAL - TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS, INC. (TROSA), 1998 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR DRIVER STREET SCHOOL RENOVATIONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement with TROSA, in an amount not to exceed \$200,000 from CDBG funds, and to execute related closing documents, and to make minor changes to the Subrecipient Agreement and other related closing documents as are consistent with the grant terms and CDBG requirements as published by the Department of Housing and Urban Development (HUD); and

To find and determine that funds for this project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CITIZEN PARTICIPATION IN BUDGET-RELATED ACTIVITIES**

**MOTION** by Council Member Larson seconded by Council Member Miller to set a public hearing on Tuesday, January 19, 1999 to receive citizens' comments concerning the Fiscal Year 1999-2000 Budget; and

To set a public hearing on Tuesday, January 19, 1999 to receive citizens' comments concerning the Fiscal Year 2000 to Fiscal Year 2005 Capital Improvement Plan was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes:

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None. Absent: None.

**SUBJECT: CONTRACT FOR THE PURCHASE OF BUSES - GILLIG CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to award a contract to the Gillig Corporation for the purchase of seven 30-foot transit coaches and for the purchase of three additional 30-foot transit coaches subject to approval of the additional federal and state grant funding stated in the attached memorandum dated December 3, 1998 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SALE OF SURPLUS PROPERTY AT 1508 MORNING GLORY AVENUE TO DURHAM COUNTY HABITAT FOR HUMANITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the private sale of real property located at 1508 Morning Glory Avenue to Durham County Habitat for Humanity for \$5,000 under the authority of General Statutes 160A-279, "Sale of Property to Entities Carrying Out a Public Purpose; Procedure" was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8519**

**SUBJECT: RESOLUTION TO APPROVE REIMBURSEMENT TO LEON SMITH FOR DRAINAGE REPAIRS AT 1707 JAMES STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the attached resolution approving reimbursement to Leon Smith for drainage repairs made at 1707 James Street was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8520**

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**SUBJECT: STATUS REPORT ON DURHAM'S WATER SUPPLY**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on the status of Durham's water supply was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REQUIRED PUBLIC HEARING TO CONSIDER THE CITY'S LEASE OF THE AMERICAN TOBACCO TRAIL CORRIDOR, PHASE E**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the Planning Department and the Parks and Recreation Department to hold the public hearing required before leasing Phase E of the American Tobacco Trail corridor (Fayetteville Road to County line) from the North Carolina Department of Transportation Rail Division and to hold that public meeting jointly with Chatham County; and

To designate Mayor Pro Tempore Howard Clement, III to attend the public hearing (currently scheduled for February 24, 1999, 7:00 p.m. at North Chatham Elementary School) was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH URBAN RETAIL PROPERTIES COMPANY - SOUTHPOINT CENTER**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Urban Retail Properties Company for the extension of City water and sewer to serve a proposed mall and retail complex (Southpoint Center) to be located at the southwest corner of I-40 and Fayetteville Road was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH MIDLAND 751 DEVELOPMENT COMPANY - SOUTHPOINT**

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**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Midland 751 Development Company, L.L.C., for the extension of City water and sewer to serve a proposed commercial and apartment complex to be located at the southeast corner of I-40 and N.C. 751 was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION HONORING AVERY DIMMIG**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution honoring Avery Dimmig was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TAXICAB DRIVER'S PERMITS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a listing from the Taxicab Inspector concerning the issuance of taxicab driver's permits was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

The following persons made application for a new taxicab driver's permit.

NAME	CAB COMPANY
Alease Hart	Bama
Latasha Cates	Johnny's
Adil Abdulaziz	Tristar

The following persons made application for renewal of their taxicab driver's permit.

George McFadden	Smokey's
Lawrence Bond	Courtesy
Ronald Smith	Deluxe
Willie Weeks, III	Weeks' & W&W

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Nathaniel Lennon	Community
George McKay	McKay's
Merike Torain	Sunbeam
Edgar Hunter, III	Ace
Rayvon Gray	Pine Street
Mary Lou Hammond	J.C.'s
Kenneth Dixon	Dixon's
James Johnson	Safeway
Sally Fuller	Green's
Stephen Perry	Perry's
Samuel Bratcher	Bratcher's
Leroy Morris	Manhattan

The following persons made late application for renewal of their taxicab driver's permit.

Haroun Osman	Osman's
Bobbie Mason	D & J
Peter Sampson	McKay's
James Green	Green's
Michael Robinson	Deluxe
Royce Jones	Courtesy
Joseph Adams	J.J.'s
James T. Smith	J & L
Mouawya Elhassan	Peace
Donald Kenan	Kenan

**SUBJECT: STREET ACCEPTANCE - TREYBURN SUBDIVISION, VILLA DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept Villa Drive from the centerline of Old Trail Drive southeast around circle to the centerline of Villa Drive (1,540') for maintenance by the City of Durham was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER MAIN - LONGLEAF DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 825-1-47 TO DONPHIL ROAD - SETTING PUBLIC HEARING TO CONSIDER ORDERING PETITION IMPROVEMENT**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for water main on Longleaf Drive from north property line of Tax Map 825-1-47 to Donphil Road, and

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To adopt a resolution setting a public hearing on Monday, January 4, 1999 to consider ordering the improvement was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTROLLED PARKING RESIDENTIAL AREA - LOUISE CIRCLE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a Controlled Parking Residential Area on the entire length of Louise Circle was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11611**

**SUBJECT: HANDICAPPED PARKING - MOREHEAD AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to establish handicap parking on the south side of Morehead Avenue in the area beginning at a point 115 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 115 feet eastwardly was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11612**

**SUBJECT: TWO-HOUR PARKING - HUNT STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing two-hour parking between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, at the following locations was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.



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- 1) on the north side of Hunt Street beginning at a point 25 feet west of the west curb line of Rigsbee Avenue, if extended, and extending for a distance of 122 feet westwardly;
- 2) on the north side of Hunt Street beginning at a point 237 feet west of the west curb line of Rigsbee Avenue, if extended, and extending for a distance of 131 feet westwardly; and
- 3) on the south side of Hunt Street beginning at a point 25 feet east of the east curb line of Foster Street, if extended, and extending east to a point 25 feet west of the west curb line of Rigsbee Avenue.

**Ordinance #11613**

**SUBJECT: TWO-HOUR PARKING - FOSTER STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing two-hour parking between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, at the following locations was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) on the east side of Foster Street beginning at a point 54 feet north of the north curb line of Morgan Street, if extended, and extending for a distance of 288 feet northwardly; and
- 2) on the west side of Foster Street beginning at a point 83 feet north of the north curb line of Morgan Street, if extended, and extending for a distance of 157 feet northwardly.

**Ordinance #11614**

**SUBJECT: STOP SIGN - CRYSTAL LAKE TOWN HOMES - MOOREFIELD COURT**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Moorefield Court at Camellia Drive, west corner was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox,

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Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.  
Noes: None. Absent: None.

**Ordinance #11615**

**SUBJECT: STOP SIGNS - GROVE PARK - LINKSIDE BARRINGTON**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Chasewood Court at Barrington Overlook Drive, southwest corner;
- 2) Autrey Mill Circle at Barrington Overlook Drive, southwest corner; and
- 3) Barrington Overlook Drive at Oak Grove Parkway, northwest corner.

**Ordinance #11616**

**SUBJECT: STOP SIGNS - GROVE PARK - THE MEADOWS AT BRIARCLIFFE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Oak Grove Parkway at Stallings Road, southwest corner;
- 2) Willowbrook Drive at Oak Grove Parkway, northwest corner;
- 3) Willowbrook Drive at Briarhaven Drive, southeast corner;
- 4) Cayman Court at Willowbrook Drive, northeast corner;
- 5) Heatherstone Court at Briarhaven Drive, southwest corner; and
- 6) Briarhaven Drive at Oak Grove Parkway, northwest corner.

**Ordinance #11617**

**SUBJECT: STOP SIGN - INDEPENDENCE PARK - BEN FRANKLIN BOULEVARD**

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**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Ben Franklin Boulevard at Danube Lane, southwest corner was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance 11618**

**SUBJECT: STOP SIGN - MORNING GLORY AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Morning Glory Avenue at Morning Glory Avenue, northeast corner was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11619**

**SUBJECT: STOP SIGNS - TREYBURN SUBDIVISION**

To adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) on Deerwood Court at Fairwoods Drive, northeast corner;
- 2) on Fairwoods Drive at Vintage Hill Parkway, northwest corner;
- 3) on Scarlet Oak Court at Loblolly Drive, east corner; and
- 4) on Red Cedar Circle at Loblolly Drive, west corner.

**Ordinance #11620**

**SUBJECT: STOP SIGN - VILLAGES OF CORNWALLIS SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Yorkfield Court at Yorktown Avenue, southwest corner was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11621**

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - VALLEY RIDGE DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a speed limit of 25 mph on Valley Ridge Drive beginning at the north curb line of South Roxboro Street, if extended, and extending northward to the end of City maintenance was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11622**

**SUBJECT: LOADING AND UNLOADING ZONE - HUNT STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a loading and unloading zone between the hours of 7:00 a.m. and 6:00 p.m. on the north side of Hunt Street beginning at a point 127 feet west of the west curb line of Rigsbee Avenue, if extend, and extending west for a distance of 93 feet was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11623**

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the November 16, 1998 regular City Council Meeting was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

**SUBJECT: VOLUNTARY ANNEXATION PETITION FOR SOUTHPPOINT CENTER  
(FY99-07)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

James Farrell, representing Urban Retail Properties, stated he was present to answer any questions concerning this matter.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Cox to receive citizens' comments concerning the annexation of Southpoint Center, which consists of 132.43 acres contiguous to the City Limits, located at the southwest quadrant of Interstate 40 and Fayetteville Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts on the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-31 Et.SEQ. (Southpoint Center)"--effective December 31, 1998 was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11624**

**SUBJECT: REVISED VEHICLE ORDINANCE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mike Shiflett spoke in support of this ordinance.

The Mayor asked if there were other persons present wanting to speak. The public hearing was closed by Mayor Tennyson.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed revised Vehicle Ordinance; and

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To rescind the current Abandoned Vehicle Ordinance, Durham City Code, Article V, Division 2, Sections 10-109 through 10-119; and

To adopt An Ordinance Rewriting the Provisions of Article V, Division 2, Pertaining to "Removal and Disposition of Abandoned and Junked Motor Vehicles and Vehicles Declared to be a Health or Safety Hazard" was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11625**

**SUBJECT: THE SOUTHEAST DURHAM PLAN**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dr. George Conklin, representing Stirrup Creek Homeowners' Association, spoke in support of a park in their community. He also noted support for the Southeast Durham Plan.

Charlotte Hyer, representing Stirrup Creek Homeowners' Association, spoke in support of a branch library to be located in their community. Also, Ms. Hyer urged support for a park in their neighborhood.

The Mayor asked if there were other persons present wanting to speak. The public hearing was closed by Mayor Tennyson.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the *Southeast Durham Plan*; and

To adopt the March 4, 1998 Draft *Southeast Durham Plan*, with the modifications indicated on the attached October 23, 1998 Addenda and including Options C and D to the extent they fall within the planning area was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING (SC98-11) - WASHINGTON STREET**

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To receive citizens' comments concerning the closing of a 22,416± square-foot portion of Washington Street.

To adopt the "City of Durham Order Permanently Closing 22,416± Square Feet of Washington Street."

Vonda Frantz, of the City/County Planning Department, asked that this matter be continued to the January 4, 1999 City Council Meeting.

**MOTION** by Council Member Larson seconded by Council Member Miller to continue the public hearing to the January 4, 1999 City Council Meeting was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE REGARDING DENSITY BONUSES FOR AFFORDABLE HOUSING (TC45-98)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Density Bonuses for Affordable Housing" was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11626**

**SUBJECT: ZONING MATTER CASE P98-18, ROBERT K. WITHERSPOON, 3312 WATKINS ROAD**

Case: P98-18

Applicant: Robert K. Witherspoon

Location: The 7.932-acre site is located at 3312 Watkins Road, identified as Tax Map 477, Block 3, Lot 2, and 2A; and Tax Map 483, Block 1, Lot 26B

Request: **Rezoning from** R-20 (Residential 20) **to** RD(D) (Rural District with a Development Plan); MTC (Major Transportation

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Corridor)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RD(D); MTC.

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mr. Darion Meese, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RD(D); MTC was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: 1999 LEGISLATIVE PROGRAM OUTLINE**

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to approve the 1999 Legislative Program Outline as recommended by the Legislative Subcommittee was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**I. CHARTER AMENDMENTS/LOCAL BILLS**

1. Allow City Manager to delegate authority to Assistant City Managers to sign contracts for City - from City Manager.
2. Authority of City to allow dedicated but unopened public streets to be used for open space purposes - from Public



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Works Committee February 23, 1998.

3. Allow City Council to delegate authority to City Administration to approve fireworks displays - from Fire Department.
4. Change the local privilege license tax year to the same July 1-June 30 year generally applicable in North Carolina - from Finance Department.
5. Allow City Council to identify additional criteria, such as sexual orientation, upon which to prohibit discrimination - from Human Relations Commission.
6. Provide City Council with more flexibility in rezonings with a development plan, so that Council may consider only the uses specified in the plan. Also, clarify that needed off-site infrastructure improvements may be included as part of the plan and that Council consideration of development plans is legislative rather than quasi-judicial in nature - from Planning Department.
7. Authority for City to increase the amount of tax on motor vehicles from five dollars to twenty dollars, with these revenues to be used for local transportation needs - from Legislative Committee.

## II. GENERAL LAW

1. Regulate off-premise alcoholic beverage sales - from City Council.
2. Authority to adopt a "repair only" ordinance for housing code violations - from Housing Department.
3. Make drug sales on City parks and recreational facilities a felony - from 1997 legislative program and Mr. Miller.
4. Provide the City with additional local control over the use of highway transportation funds in a manner consistent with local needs - from 1997 legislative program and Ms. Brown.
5. Authority to establish a local option gasoline tax and a one-half cent sales tax (other than on food), with these revenues to be used for local transportation needs - from 1997 legislative program and Mr. McKissick.
6. Expand Ethnic Intimidation Act to add "sexual orientation" and "disability" to the classes protected by that statute and

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to make violation of that Act a Class felony - from Human Relations Commission.

7. Repeal the North Carolina "Crime Against Nature" law or, in the alternative, amend the law to make it inapplicable to consenting adults (both homosexual and heterosexual) - from Human Relations Commission.
8. Authorize administrative search warrants to be served at hours other than from 8:00 a.m. to 8:00 p.m. where there is probable cause to believe that the activity which justifies the warrant is occurring at other times - from Planning Department.
9. Allow cities to serve notice of zoning code violations by regular mail where service by registered or certified mail in unclaimed or refused - from Planning Department.
10. Clarify the authority of cities to charge stormwater fees for pollution control measures forming a portion of a municipal stormwater program - from Public Works Department.

**III. OTHER**

1. Lower the blood alcohol rate for driving under the influence from 0.08 to 0.05 - from Mr. Clement.

The Downtown Durham, Inc. request to adopt a resolution in support of DDI's legislative program is being referred to the City Manager for study and a recommendation back to City Council.

**SUBJECT: TRIANGLE TRANSIT AUTHORITY BOARD OF TRUSTEES - APPOINTMENT**

**MOTION** by Council Member Blyth seconded by Council Member Larson to appoint William G. Smith to the Triangle Transit Authority Board of Trustees to represent the City of Durham for a three-year term to expire November 30, 2001 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: BIDS - VEHICLES, CARDINAL INTERNATIONAL TRUCKS, RICK**

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**HENDRICK CHEVROLET AND UNIVERSITY FORD**

Bob Novak questioned the cost of the performance bond.

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from Cardinal International Trucks in the amount of \$266,053.10 for providing the City with one (1) 32,000 GVWR service truck (Item No. 13), one (1) 32,000 GVWR crewcab dump truck (Item No. 14), one (1) 50,000 tandem axle dump truck (Item No. 15), and one (1) 50,000 tandem axle dump truck with snow plow and salt spreader (Item No. 16); and

To accept the bid from Rick Hendrick Chevrolet in the amount of \$344,134.56 for providing the City with nine (9) compact sedans (Item No. 1), one (1) 8,600 GVWR pickup truck (Item No. 7), two (2) 8,600 GVWR pickup trucks with dump bodies (Item No. 8), three (3) 8,600 GVWR 4X4 pickup trucks (Item No. 9), one (1) 10,000 GVWR crewcab pickup truck (Item No. 10), one (1) 10,000 GVWR 4X4 crewcab utility truck, and two (2) four-door utility vehicles (Item No. 12); and

To accept the bid from University Ford in the amount of \$1,324,863.00 for providing the City with five (5) mid-sized sedans (Item No. 2), fifty-three (53) police patrol vehicles (Item No. 3), four (4) police pursuit vehicles (Item No. 4), and four (4) compact pickup trucks (Item No. 6); and

To waive the requirement for a Performance Bond for each of the aforementioned bidders was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - REGENERATIVE AIR STREET SWEEPERS - TWIN STATES EQUIPMENT, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from Twin States Equipment, Inc. in the amount of \$176,800.00 for providing the City with two regenerative air street sweepers; and

To waive the requirement for a Performance Bond was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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There being no further business to come before the Council, the meeting was adjourned at 8:03 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk